

GOODMAN v. DILLON TRANSPORTATION,
LLC.

MIGUEL URJILES

April 15, 2015

Prepared by

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GOODMAN v. DILLON TRANSPORTATION, LLC.

DEPOSITION OF MIGUEL URJILES

UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PAUL GOODMAN and
LINDA GOODMAN,

Plaintiffs,

v

File No. 2:14-cv-11473-AJT-RSW

HON. ARTHUR J. TARNOW

DILLON TRANSPORTATION, LLC,
A Tennessee Limited Liability Company,

Defendant.

/

DEPOSITION OF MIGUEL URJILES

Taken by the Plaintiffs on the 15th day of April, 2015, at
39475 13 Mile Road, Novi, Michigan, at 11:00 a.m.

APPEARANCES:

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<p>1 Novi, Michigan</p> <p>2 Wednesday, April 15, 2015 - 11:08 a.m.</p> <p>3 REPORTER: Raise your right hand. Do you solemnly</p> <p>4 swear or affirm that the testimony you're about to give will</p> <p>5 be the whole truth?</p> <p>6 MR. URJILES: Yes, ma'am.</p> <p>7 REPORTER: Thank you. Make sure to keep your</p> <p>8 voice up for me too.</p> <p>9 MIGUEL URJILES</p> <p>10 having been called by the Plaintiff and sworn:</p> <p>11 EXAMINATION</p> <p>12 BY MR. CONCANNON:</p> <p>13 Q Would you state your name?</p> <p>14 A Miguel Urjiles.</p> <p>15 Q Urheless (pronouncing)?</p> <p>16 A Urheless (pronouncing).</p> <p>17 Q Okay. I'm going to call you Miguel if that's okay.</p> <p>18 A That's fine; that's fine.</p> <p>19 Q We met yesterday. I'm Andy Concannon. I represent Paul and</p> <p>20 Linda Goodman in a lawsuit that's been filed against Dillon</p> <p>21 Transportation. Have you ever given a deposition before?</p> <p>22 A No, sir.</p> <p>23 Q Okay. It's pretty informal. The court reporter just swore</p> <p>24 you in to tell the truth, of course, so you need to do that</p> <p>25 but also in a deposition if you can answer my questions,</p> <p>Page 3</p>	<p>1 A Yes, sir.</p> <p>2 Q So all of your -- would your formal schooling have all taken</p> <p>3 place in Ecuador?</p> <p>4 A Yes, sir.</p> <p>5 Q Okay. When you came into the United States in 1976 you had</p> <p>6 no schooling from 1976 up to the present; is that correct?</p> <p>7 A Correct.</p> <p>8 Q Okay. When you came to the United States where did you go</p> <p>9 to? Where did you come to? Did you come to Michigan right</p> <p>10 away?</p> <p>11 A No. I was in Chicago.</p> <p>12 Q Chicago, Illinois from 1976 til when?</p> <p>13 A To 1995, somewhere around there.</p> <p>14 Q Okay. When you immigrated to the United States in '76 did</p> <p>15 you have a job when you got here, did it take some time to</p> <p>16 get employed?</p> <p>17 A It takes a little time to get employed, yes.</p> <p>18 Q It took some time?</p> <p>19 A Yes, sir.</p> <p>20 Q When you did get your job what was your first job once you</p> <p>21 came to the states?</p> <p>22 A Washing dishes.</p> <p>23 Q Okay. How long did you do that?</p> <p>24 A About three years.</p> <p>25 Q How long did it take you after immigrating to the United</p> <p>Page 5</p>

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<p>1 States to get a license to drive?</p> <p>2 A Probably I ended up getting my license when I was around 25.</p> <p>3 Q Early 80s, '81, '82?</p> <p>4 A Somewhere around there, yes, sir.</p> <p>5 Q So you were in Illinois until 1995?</p> <p>6 A Yes, sir.</p> <p>7 Q Then where did you move to?</p> <p>8 A I moved to Connecticut.</p> <p>9 Q How long were you in Connecticut?</p> <p>10 A Two years.</p> <p>11 Q That puts us to '97?</p> <p>12 A Yes, sir.</p> <p>13 Q Where did you go in '97?</p> <p>14 A Then I moved back to South Carolina.</p> <p>15 Q South Carolina. Back to South Carolina?</p> <p>16 A Uh-huh (affirmative).</p> <p>17 Q So had you lived in South Carolina previously?</p> <p>18 A No, sir.</p> <p>19 Q Okay. How long were you in South Carolina?</p> <p>20 A About six years.</p> <p>21 Q So that puts us to about 2003, give or take?</p> <p>22 A Somewhere around there.</p> <p>23 Q So since 2003 where have you lived?</p> <p>24 A Moved up to North Carolina.</p> <p>25 Q Where do you live in North Carolina now?</p> <p style="text-align: center;">Page 6</p>	<p>1 Q You're wearing glasses in the photo?</p> <p>2 A Yes, sir.</p> <p>3 Q It says "none" but do you wear those glasses to drive?</p> <p>4 A Yes, sir.</p> <p>5 Q Okay. It says class A endorsement here. Any combination of</p> <p>6 vehicles with a GVWR of 26,000 pounds or more provided the</p> <p>7 GVWR of the vehicle being towed is in excess of 10,000</p> <p>8 pounds. It also gives you a tank endorsement and a twin</p> <p>9 endorsement. What does a tank endorsement mean?</p> <p>10 A I can drive a tanker.</p> <p>11 Q Okay. What does a twin endorsement mean, two trailers?</p> <p>12 A Two trailers, yes, sir.</p> <p>13 Q Okay. How long have you had the CDL license, Miguel?</p> <p>14 A I've had my CDL since '97.</p> <p>15 Q '97?</p> <p>16 A Yes, sir.</p> <p>17 Q Okay. Did you go to any kind of school for that?</p> <p>18 A Yes, sir.</p> <p>19 Q Where did you go?</p> <p>20 A That was in Connecticut. I went to school to get my</p> <p>21 license. I don't remember the name of the school.</p> <p>22 Q Do you know what city it was in?</p> <p>23 A I think it was West Haven. I'm not sure.</p> <p>24 Q West Haven, Connecticut?</p> <p>25 A Uh-huh (affirmative).</p> <p style="text-align: center;">Page 8</p>
<p>1 A Nebo, North Carolina.</p> <p>2 Q Can you spell the city?</p> <p>3 A N-e-b-o.</p> <p>4 Q Nebo, North Carolina?</p> <p>5 A Nebo, North Carolina.</p> <p>6 Q And that's since 2003?</p> <p>7 A Yes, sir.</p> <p>8 Q Okay. Miguel, what licenses do you have right now to drive?</p> <p>9 A CDL.</p> <p>10 Q Okay. Can I see that license, please?</p> <p>11 A Yes, sir.</p> <p>12 (Witness hands document to counsel)</p> <p>13 MR. CONCANNON: The record should reflect a State</p> <p>14 of North Carolina issue -- or license issued by the</p> <p>15 Department of Motor Vehicles for the State of North Carolina</p> <p>16 reflecting an address of 244 Ivy Drive in Nebo, N-e-b-o,</p> <p>17 North Carolina?</p> <p>18 A Yes, sir.</p> <p>19 Q Okay.</p> <p>20 MR. CONCANNON: Class A with an endorsement MT</p> <p>21 issued June 14th of 2014 expiring of January 13th of 2017.</p> <p>22 A Yes, sir.</p> <p>23 Q And it indicates your birth date in January 13th, 1957.</p> <p>24 Okay. Do you have any vision restrictions on this?</p> <p>25 A (No verbal response)</p> <p style="text-align: center;">Page 7</p>	<p>1 MR. CONN: "Yes"? You said "uh-huh." Is that a</p> <p>2 "yes"?</p> <p>3 THE WITNESS: Oh, yes.</p> <p>4 A Yes. I'm sorry.</p> <p>5 Q So when you were at the truck driving school, wherever it</p> <p>6 was, how long was that program?</p> <p>7 A It took me about six months to get my license because I was</p> <p>8 working. I had a job to work and I was just -- you know, I</p> <p>9 think on, like, Saturdays, sometimes two days a week that's</p> <p>10 why, you know, I went about six months.</p> <p>11 Q Okay. Once you completed that course of study did you have</p> <p>12 to take some kind of a test?</p> <p>13 A They put me in, like, a training -- they put me in this</p> <p>14 company that they trained me for about a month or two months</p> <p>15 and then after that when I complete my training thing so</p> <p>16 then they just put me in my own.</p> <p>17 Q So it sounds like the school itself gave you some education</p> <p>18 onsite and then sent you on kind of like an internship or</p> <p>19 pick a name you like with an actual trucking company?</p> <p>20 A Yes, sir.</p> <p>21 Q Kinda learning on the job type of thing?</p> <p>22 A Yes, sir.</p> <p>23 Q Okay. And once you completed that two months or so then the</p> <p>24 school gave you whatever degree or diploma that you were</p> <p>25 entitled to get?</p> <p style="text-align: center;">Page 9</p>

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<p>1 A Yes, sir.</p> <p>2 Q Okay. Since you got in '97, I take it, you became a CDL</p> <p>3 operator, a licensed endorsement soon after?</p> <p>4 A Yes, sir.</p> <p>5 Q Was your original CDL in Connecticut?</p> <p>6 A Yes, sir.</p> <p>7 Q All right. Once you got your CDL in '97 or so in</p> <p>8 Connecticut did you drive a truck right away?</p> <p>9 A Yeah.</p> <p>10 Q Okay.</p> <p>11 A Yes, sir.</p> <p>12 Q Since 1997 up through the present for the last 18 years have</p> <p>13 you essentially been a full-time trucker at your occupation?</p> <p>14 A Yes, sir.</p> <p>15 Q Okay. Who was the first company that you got a job with</p> <p>16 driving -- let's start with '97. The first company you</p> <p>17 would have gotten a job with driving a truck?</p> <p>18 A I don't remember the name of the company.</p> <p>19 Q All right. Where was the company?</p> <p>20 A They was out of Pennsylvania, and they went off the road and</p> <p>21 Swift took over.</p> <p>22 Q Swift?</p> <p>23 A Yes, sir.</p> <p>24 Q The meat company?</p> <p>25 A No, Swift Company. There is the name of the company, Swift.</p> <p style="text-align: center;">Page 10</p>	<p>1 Q Kollins with a "K"?</p> <p>2 A Yes, sir.</p> <p>3 Q Where did he live in South Carolina?</p> <p>4 A Lawrence, South Carolina.</p> <p>5 Q So you and he had a company together?</p> <p>6 A No; no; no. We drove together --</p> <p>7 Q You drove together.</p> <p>8 A -- as a team.</p> <p>9 Q Okay. Is that common where truckers will operate as a team</p> <p>10 if they're driving out to, like, California or Vegas or</p> <p>11 somewhere like that?</p> <p>12 A Yes, sir.</p> <p>13 Q Okay. How long did you and Freddie Kollins operate as team</p> <p>14 truckers?</p> <p>15 A Roughly about a year, year and a half.</p> <p>16 Q And would that be '98 to 2000, '99?</p> <p>17 A Yes, sir; yes, sir.</p> <p>18 Q Okay. When you told me about this trucking school in</p> <p>19 Connecticut that you went to Freddie was your trainer at</p> <p>20 that school?</p> <p>21 A Yes, sir.</p> <p>22 Q Okay.</p> <p>23 A Not in school. He was my trainer on the company truck he</p> <p>24 was working.</p> <p>25 Q Oh, so whatever company that you went to as part of your</p> <p style="text-align: center;">Page 12</p>
<p>1 Q Now, you said it was originally a Pennsylvania company.</p> <p>2 Were you driving in Connecticut or did you move to</p> <p>3 Pennsylvania?</p> <p>4 A No, I was driving over the road.</p> <p>5 Q Okay. When you say "over the road," I've heard that term.</p> <p>6 I've used that term. I think I know what it means, but it</p> <p>7 means you're driving all of the states?</p> <p>8 A All over the states, yes, sir.</p> <p>9 Q Okay. I'm with you. So you started basically as an</p> <p>10 over-the-road trucker in '97 and in the 18 years that you</p> <p>11 have been a trucker I gather you have been an over-the-road</p> <p>12 truck this whole time, sir?</p> <p>13 A Yes, sir.</p> <p>14 Q Following that first job that you got in '97 what was the</p> <p>15 next job you got as a trucker?</p> <p>16 A Me and my trainer we team up and my trainer, the guy he</p> <p>17 trained me in the previous company he used to live in South</p> <p>18 Carolina and we ended up getting a job and this other</p> <p>19 company, the name of the company was MK, just like two</p> <p>20 letters, MK.</p> <p>21 Q MK?</p> <p>22 A MK, that was the name of the company and then we start</p> <p>23 driving together, me and my trainer.</p> <p>24 Q What was your trainer's name?</p> <p>25 A Freddie Kollins. And he used to live in South Carolina.</p> <p style="text-align: center;">Page 11</p>	<p>1 education with the trucking school is that where you met</p> <p>2 Freddie?</p> <p>3 A Yes, sir.</p> <p>4 Q Okay. I follow you. So up to 2000 you had stopped working</p> <p>5 as a tandem truck driver with Freddie?</p> <p>6 A Yes, sir; yes, sir. I'm sorry.</p> <p>7 Q Okay. So what was your next employment, Miguel?</p> <p>8 A So then I met this other guy that he lives in North</p> <p>9 Carolina, his name is Keith Holdsclaw and we team up and we</p> <p>10 move up to this other company -- the name of the company</p> <p>11 was -- sir, I don't remember the name of the company but me</p> <p>12 and him we worked together for about six years in that</p> <p>13 company.</p> <p>14 Q Okay. Hold on. So that gets us to about 2000, 2006. Is it</p> <p>15 H-o-l-d-s-c-l-a-w?</p> <p>16 A Holdsclaw; Holdsclaw (pronouncing), yes, sir.</p> <p>17 Q Okay. And he was in North Carolina?</p> <p>18 A Yeah, he lived in North Carolina?</p> <p>19 A Where in North Carolina?</p> <p>20 A He is my neighbor. He lives right there by me.</p> <p>21 Q In Nebo?</p> <p>22 A Uh-huh (affirmative).</p> <p>23 Q So you don't know what company you worked for but you and he</p> <p>24 again were tandem truck drivers or team?</p> <p>25 A (Nodding head in affirmative)</p> <p style="text-align: center;">Page 13</p>

4 (Pages 10 to 13)

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<p>1 Q "Yes"?</p> <p>2 A Yes, sir.</p> <p>3 Q All right. Along the way from '97 up through '06, let's</p> <p>4 say, in order to keep your CDL license what kind of things</p> <p>5 would you have to do, education-wise, certification-wise,</p> <p>6 what would you have to do?</p> <p>7 A Just work, drive.</p> <p>8 Q Okay. Do you have to take any, like, continuing education</p> <p>9 over the years to get kind of schooled up on new</p> <p>10 regulations, new equipment, anything like that?</p> <p>11 A Well, every time, you know, they got, you know, new</p> <p>12 regulations that's that but anything else, no, sir.</p> <p>13 Q Okay. If a new regulation comes out and you work for</p> <p>14 company X, Y, Z company is the company in your experience</p> <p>15 the one that kinda helps you sort through those?</p> <p>16 A Yes, sir.</p> <p>17 Q So you're under no obligation on your own to keep up your</p> <p>18 license by doing anything specific to getting yourself</p> <p>19 educated; is that correct?</p> <p>20 MR. CONN: We're just talking about in terms of</p> <p>21 education?</p> <p>22 MR. CONCANNON: For the CDL, yeah.</p> <p>23 MR. CONN: Okay.</p> <p>24 MR. CONCANNON: Yeah.</p> <p>25 MR. CONN: Okay.</p> <p style="text-align: center;">Page 14</p>	<p>1 working with Keith. What happens? Where do you go next?</p> <p>2 A Keith had to go off the road. I stayed with the company for</p> <p>3 a couple more years. And after that Keith get back on the</p> <p>4 road and we team up back again.</p> <p>5 Q So you're with Keith from 2000 to 2006 or so?</p> <p>6 A Uh-huh (affirmative).</p> <p>7 Q A couple more years to, let's say, '08 without Keith?</p> <p>8 A (Nodding head in affirmative)</p> <p>9 Q "Yes"?</p> <p>10 A Yes, sir.</p> <p>11 Q That gets us to '08, and then you spend another couple years</p> <p>12 with Keith when Keith comes back?</p> <p>13 A Yes, sir.</p> <p>14 Q Does that take us to '10, '11?</p> <p>15 A I start working with the other company in 2004, sir.</p> <p>16 Q Okay. Okay. So all the dates that we had starting in 2000</p> <p>17 when you started driving -- when you started driving with</p> <p>18 Keith in 2000 --</p> <p>19 A Uh-huh (affirmative).</p> <p>20 Q Is that a "yes"?</p> <p>21 A Yes, sir.</p> <p>22 Q When you drove with Keith 2000 however it was that you drove</p> <p>23 with him for awhile Keith took some time off?</p> <p>24 A Uh-huh (affirmative).</p> <p>25 Q You drove with Keith again. It was between the time that</p> <p style="text-align: center;">Page 16</p>
<p>1 A Yes, sir.</p> <p>2 Q Are you obligated which -- we got my next question. Are you</p> <p>3 obligated, Miguel, to road test every couple of years to</p> <p>4 keep your CDL license?</p> <p>5 A No, sir.</p> <p>6 Q Have you ever had to road test to re-up that CDL license?</p> <p>7 A If you changing jobs.</p> <p>8 Q Okay. So when you road test when you change jobs is that to</p> <p>9 your understanding because the new company wants to make</p> <p>10 sure you can drive or is it because the license requirement</p> <p>11 is that you need to retest?</p> <p>12 A What I understand is in order to get hired there is a</p> <p>13 procedure that they have.</p> <p>14 Q Okay. So the company that hires you wants to make sure you</p> <p>15 know how to drive?</p> <p>16 A Yes, sir.</p> <p>17 Q Okay. So it gets us up to '06 but -- I'm going to back up.</p> <p>18 You've got a medallion that's attached to your necklace</p> <p>19 there. Is that a military thing?</p> <p>20 A No, sir.</p> <p>21 Q Oh, it's not.</p> <p>22 A No.</p> <p>23 Q Okay. Have you served in the military, Miguel?</p> <p>24 A No, sir.</p> <p>25 Q Okay. Very good. So once you get to '06 you had been</p> <p style="text-align: center;">Page 15</p>	<p>1 you started in 2000 -- it was between the time of 2000 and</p> <p>2 the time you started with Dillon; correct?</p> <p>3 A Yes, sir.</p> <p>4 Q Okay. Whenever that was?</p> <p>5 A Yes, sir.</p> <p>6 Q And your best memory today is that you started with Dillon</p> <p>7 in 2004?</p> <p>8 A 2004, yes, sir.</p> <p>9 Q So for the last 11 years, give or take, you have been</p> <p>10 driving for Dillon?</p> <p>11 A It's exactly about ten years, sir, --</p> <p>12 Q Ten years?</p> <p>13 A -- that I've been driving for Dillon.</p> <p>14 Q Okay. Let's call it 2005 then you got in there. So when</p> <p>15 you have been driving for Dillon since '04 or '05 have you</p> <p>16 worked for any other company along the way?</p> <p>17 A No, sir.</p> <p>18 Q Okay. When you drove for Dillon -- strike that. When you</p> <p>19 hired in for Dillon did they road test you?</p> <p>20 A Yes, sir.</p> <p>21 Q Okay. What kind of a truck or tractor-trailer system did</p> <p>22 they road test you on?</p> <p>23 A Regular -- that was the ones that I have.</p> <p>24 Q Okay. Yesterday we had the chance to meet personally and I</p> <p>25 saw the trailer was used for the TRW delivery that we'll</p> <p style="text-align: center;">Page 17</p>

5 (Pages 14 to 17)

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1 talk about in a minute. That's what's called a low boy
2 trailer?
3 **A We call drop deck; drop deck.**
4 Q You call it a drop deck?
5 **A Drop deck, yes, sir.**
6 Q So if I saw low boy by mistake at some point later I mean
7 the same thing.
8 **A They're the same thing.**
9 Q Drop deck and low boy, you and I will agree those are the
10 same?
11 **A Yes, sir.**
12 Q Okay. When you drove before you had gotten to Dillon, so in
13 '97 up through whenever you got to Dillon have you ever
14 driven a drop deck trailer before?
15 **A No, sir.**
16 Q Is Dillon's fleet -- strike that. When you got there in '04
17 did you test on a drop deck?
18 **A Yes, sir.**
19 Q Okay. So up that you you had never had a drop deck trailer
20 to use?
21 **A No, sir.**
22 Q All right. Describe what a drop deck trailer does.
23 **A Okay. Drop deck, the trailers that we have -- the reason we**
24 **call it drop deck is because, you know, they drop, they drop**
25 **down, and the way it's built up is they got legs. Every**

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1 time, you know, we back into the dock they got buttons and
2 we can operate those operate those things to lift it up.
3 And then when we got to the back to try to lift it up and
4 even it out with that plate. That's why we call it drop
5 deck.
6 Q Okay. So just so the record is clear, your understanding is
7 that the drop deck trailer tends to be lower than the normal
8 dock height that you're going to be delivering to?
9 **A Yes, sir.**
10 Q And there is a device on the side of the trailer itself that
11 will elevate the back end of the trailer?
12 **A Yes, sir.**
13 Q Okay. And you mentioned that the dock plate, the goal of
14 the system is to even the back of the trailer to the level
15 of the dock plate; is that correct?
16 **A Yes, sir.**
17 Q All right. When you're on a site, by the way, when you get
18 to a dock are you as the driver, Miguel, responsible for
19 putting the dock plate on the back of your trailer or is the
20 company that you're delivering to?
21 **A The company.**
22 Q Okay. And when you are getting a load from a company does
23 the same thing apply, the person that's giving you the load
24 has to handle the dock plate?
25 **A Yes, sir.**

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1 Q So basically you just pull it up to get it to get it to dock
2 level, park your rig and then that's the end of your
3 responsibility until you drive away?
4 **A Yes, sir.**
5 Q All right. I am assuming since you got to Dillon you have
6 not drive -- strike that -- you have not driven as a tandem
7 truck driver anymore, you have just been by yourself?
8 **A Yes, sir.**
9 Q Okay. You're still what's known as an over-the-road trucker
10 however?
11 **A Yes, sir.**
12 Q Okay. Since you have been at Dillon since '04 has your work
13 schedule essentially been the same? Have you worked the
14 similar hours year after year?
15 **A Yes, sir.**
16 Q So if I asked you what your normal work schedule would be it
17 would be pretty constant over the last ten years?
18 **A Yes, sir.**
19 Q Can you share with me what your normal work schedule is in a
20 given year or month, however it's easier for you to do?
21 **A Well, usually I leave out Sunday night and I get back home**
22 **Friday nights.**
23 Q So the truck that I saw you with yesterday -- I don't know
24 that I have the license number but we'll agree that -- I'll
25 lay the foundation. You and I met yesterday; correct?

Page 20

1 **A Uh-huh; yes, sir. Yeah.**
2 Q And the truck that was inspected was the truck that you
3 drove to the TRW dock on April 23rd, 2012?
4 MR. CONN: The truck or the trailer?
5 MR. CONCANNON: The trailer. My mistake.
6 Q The trailer that we saw yesterday was the trailer that was
7 at the dock at TRW on April 23rd, 2012; is that correct?
8 **A Yes, sir.**
9 Q April 26th, for the record. And the tractor might change
10 over time but that trailer is the same trailer?
11 **A Yes, sir, the trailer is the same trailer.**
12 Q Is that trailer your trailer typically that you drive?
13 **A No, sir.**
14 Q Okay. When you drive in a given week, let's say, so it
15 sounds like Sunday night to Friday, those five nights or
16 whatever it is will you have one trailer that you'll use
17 that five days running?
18 **A No, sir.**
19 Q Okay. So will you go to a dispatch site and pick up a
20 different trailer from time to time?
21 **A Yes, sir.**
22 Q You'll have the same tractor for those five days?
23 **A Yes, sir.**
24 Q But you won't have the same trailer?
25 **A Yes, sir.**

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<p>1 Q All right. Are all the trailers, from wherever you pick 2 them up, Miguel, to wherever you drop them off, are they all 3 the drop deck for Dillon? 4 A No, sir. 5 Q Okay. Of the trailers that you typically use today in 2015 6 are they mostly drop deck trailers still? 7 A No, sir, because -- no, sir. 8 Q In 2012 were most of the runs that you would have with a 9 trailer from Dillon drop deck trailers? 10 A No, sir, it was a mix. 11 Q Okay. Do you particularly, yourself as a driver, have any 12 preference driving a drop deck versus driving something 13 other than a drop deck? 14 A No, sir. 15 Q Okay. It doesn't matter to you? 16 A No, sir. 17 Q Okay. So you described to me the elevation system of the 18 drop deck. When you first got to Dillon up to April 26th of 19 2012 that, whatever it was, 12-year period -- I'm sorry -- 20 8-year, 7-year period had you pretty routinely used drop 21 deck trailers as part of the over-the-haul trucking you did 22 or over-the-road trucking you did? 23 A Yes, sir. 24 Q Okay. Taking April 26th out of it, what's the general 25 protocol that you use when you come to let's call it a site</p> <p style="text-align: center;">Page 22</p>	<p>1 A Oh, I'm sorry. 2 Q As counsel said you had it right. I'm just looking for 3 when, Miguel, you're making a delivery to the dock and you 4 got to be able to get that back end of the trailer to dock 5 height so they can put the plate on it and take the crap off 6 your -- I'm sorry -- take the load off your truck? 7 MR. CONN: I'm just going to object to form and 8 foundation. I think there are more variables than just 9 backing into a dock like TRW. That being said, if you can 10 answer the question go ahead. 11 A We don't drop those trailers anywhere than our place. We 12 don't have no places that we can just drop and leave those 13 trailers unless if we drop this trailer and they going to 14 reload it a lot of times we just stay hooked to that 15 trailers. 16 MR. CONN: Let's go off the record for just a 17 second. 18 (Off the record) 19 MR. CONCANNON: Back on. 20 Q Miguel, I want to make sure I am being clear with you. From 21 what you told me I get the sense that there are times during 22 the week, or certainly during the month where you'll drop a 23 trailer somewhere and someone else will pick up that trailer 24 and you'll go get a different trailer; is that correct? 25 A Yes, sir.</p> <p style="text-align: center;">Page 24</p>
<p>1 where you're dropping off a load; okay? When you go to a 2 plant someplace and you're dropping off a load, tell me, 3 Miguel, your protocol that you use when you get to that 4 place? 5 A To drop the load in there? 6 Q Yes, sir. 7 MR. CONN: He is not talking about on that date. 8 Q I'm not talking on that day. 9 A No; no. I'm talking about -- 10 MR. CONN: Go ahead. You can ask him if you don't 11 understand his question. 12 A Are you asking me, like, dropping on the lot or dropping on 13 the dock? 14 Q On the dock. 15 A On the back door? 16 Q Yeah. 17 A If I have to drop it on the dock door? 18 Q Yes, sir. 19 MR. CONN: Are you talking about a dock that would 20 be similar to the one that was at -- 21 MR. CONCANNON: Yes. 22 Q Because what I am getting at is I gather you're dropping a 23 trailer to switch trailers; right? 24 A Yeah, that we -- 25 Q That's not what I mean.</p> <p style="text-align: center;">Page 23</p>	<p>1 Q And when I say "drop a trailer" that's what that means? 2 A Yes, sir. 3 Q Okay. I want to contrast that with what I want to really 4 know is how you unload a trailer -- okay? -- so you and I 5 are communicating. When you are driving for Dillon from, 6 let's say, '04 or '5 up through 2012 with a drop deck 7 trailer attached to your cab and you go to a plant can you 8 just kinda give me the general protocol, Miguel, to what you 9 do in order to allow that plant to unload what's in the back 10 of your truck? 11 A Yes, sir. 12 Q Thank you. 13 A First of all, when I arrive to the place I go check in with 14 the customer and give my paperwork and then they tell me 15 which dock is open and they point me to the dock number 16 whatever they have, like two, three docks. So I go back to 17 the truck and I just line up to drive up to the dock. And 18 then, of course, I apply my brakes and then go back, you 19 know, to make sure that I just line up to the dock. I leave 20 about a foot from the dock plate to my -- what do you call 21 it? -- the bumper of my truck so just to make sure I can 22 leave the trailer out so they have a buffer on the side. 23 From there, you know, I go back in to the truck and I just 24 apply my brake light -- I mean, my trailer brakes and then 25 come back, put the knob on and then just stay right on the</p> <p style="text-align: center;">Page 25</p>

7 (Pages 22 to 25)

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1 side just to make sure the trailer is raising up. There is
 2 a click. When the trailer goes up there is a click
 3 that's -- you can heard the sound go like "Cuh" (indicating)
 4 and then the legs -- I call legs and the arms it goes down
 5 and I just make sure that the legs are straight and then
 6 when the legs straight go down there is a little sound that
 7 goes like "Shh" and the air goes "Phhh" and that tells me
 8 those arms are locked in place on the axle. And then I
 9 look, you know, make sure that things are straight and just
 10 go back to the trailer and then easily back to my dock and
 11 then when I complete straight on back then I shut them off
 12 the truck, apply the brakes and just wait until they got --
 13 you know, I get empty.
 14 Q Okay. So if I understand it right, you'll back up with the
 15 trailer still in the low position to about a foot away from
 16 the edge of the dock plate and you'll apply your brakes;
 17 correct?
 18 A Yes, sir.
 19 Q You'll get out of the vehicle to make sure you're about a
 20 foot away?
 21 A Yes, sir.
 22 Q And assuming that you are then you will click the actuator
 23 on the side of the trailer to begin raising the trailer up?
 24 A I'll go back to the truck because the brakes are locked,
 25 then apply my trailer brake.

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1 Q Okay. So there is two sets of brakes. There is the tractor
 2 brakes and the trailer --
 3 A And the trailer brake.
 4 Q -- brakes. Would I be correct, Miguel, that the system
 5 won't elevate unless you have already put the trailer brakes
 6 on?
 7 A Yes, sir.
 8 Q Okay. All right. So once you get the trailer brakes --
 9 once you go -- so you see that it's a foot away, you go back
 10 to the front of the cab, engage now the trailer brakes so
 11 you have the cab brakes on and the trailers brakes then you
 12 can flip the actuator to raise the back end of the trailer?
 13 A Just the trailer brakes is on.
 14 Q Oh, okay.
 15 A Not the tractor.
 16 Q Oh, okay. All right. It's still running in park
 17 presumably?
 18 A Well, yeah. Yes, sir.
 19 Q Okay. And then once you have got that raised to your
 20 satisfaction you back it up the last foot and then you put
 21 it in park, turn it off and you're done until they unload?
 22 A Yeah, when the trailer is up, like say there is a sound.
 23 When the trailer goes up there is a sound. It makes a
 24 sound. I stand right there.
 25 Q A sound?

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1 A Yeah.
 2 Q It sounds like you're saying "song" but there is a sound it
 3 makes?
 4 A Yeah, that then it goes like -- those legs they click down,
 5 goes down just get straight and it goes right on top of the
 6 axle and then when it's complete, when the arms are on top
 7 of the axle the trailer go, like, "Psssh."
 8 Q Okay.
 9 A And then, of course, I just look, you know, at those arms
 10 are straight on there and then go back to the trailer and
 11 back up slowly back back there and then when it's complete
 12 in there just go back to the truck and turn off everything,
 13 you know, apply my brakes.
 14 Q So are the legs on top of the axle, to your knowledge
 15 Miguel, what actually provides the support so that the
 16 trailer stays up?
 17 MR. CONN: Foundation. Go ahead.
 18 A Yes, sir.
 19 Q And it's your testimony that the sound of that kind of last
 20 gasp of air coming out is what tells you that the legs have
 21 come down?
 22 MR. CONN: Foundation. Go ahead.
 23 A Yes, sir.
 24 Q And once those legs come down and that air gets let out
 25 you're basically good to go that last foot to back the

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1 trailer up?
 2 MR. CONN: Form, foundation. Go ahead.
 3 A Repeat it again.
 4 Q Sure. I'm just trying to get the process. I've seen it.
 5 I've heard you describe it. I just want to make sure I get
 6 it. Once you hear that sound, that last kind of "Psssh" of
 7 air, that sound you told me --
 8 A Uh-huh (affirmative).
 9 Q -- that tells you that the legs have come down; correct?
 10 A No, that tells me that the legs was already locked.
 11 Q The legs are locked?
 12 A Yes, sir.
 13 Q And then once that sound comes you're able to go back in
 14 front of the vehicle and back it up the last foot?
 15 MR. CONN: Form. Go ahead.
 16 Q Okay.
 17 MR. CONN: Did he -- I'm sorry. Did you answer?
 18 A Yes, sir.
 19 Q Okay. I was right, you back it up that last foot after you
 20 hear that sound?
 21 A Yes, sir.
 22 Q Okay. Did Dillon Transportation give you any particular
 23 training on the drop deck system, how it worked, anything
 24 like that?
 25 A When I start with Dillon and that Dillon mechanic they

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8 (Pages 26 to 29)

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1 showed me how to do it.

2 Q Okay. Is there a mechanic -- or how many mechanics are at

3 Dillon now, if you know?

4 A About five.

5 Q About five. How big is Dillon? Do you know how many the

6 employees has just generally?

7 A We got about a hundred drivers.

8 Q Okay. The driving that you do, Miguel, are you generally

9 east of the Mississippi?

10 A Right now I'm doing, like, -- it's not a dedicated route but

11 it's like a regular route so I just go back and forth

12 Carolinas to --

13 Q So you're within the Carolinas generally?

14 A Tennessee, Carolinas.

15 Q Tennessee, Carolinas?

16 A Yes, sir.

17 Q Okay. When you're driving -- let's go, since you have been

18 driving with Dillon up to today these ten years later do you

19 have a normal checklist that you need to go through on a

20 daily basis when you're driving?

21 MR. CONN: Form of the question. "Checklist"?

22 Q Well, how many hours a day are you permitted under motor

23 carrier standards to drive?

24 A 11 hours.

25 Q Okay. Do you have a typical time that you're generally

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1 operating 6:00 to 7:00, you know 5:00 to 6:00? Do you have

2 a typical time when you operate that you're in?

3 A We run an electronic logs, sir. You don't know what

4 electronic logs is?

5 Q Electronic lock?

6 A Yes, sir.

7 Q Okay. The ignition won't operate if you try to engage it

8 too soon without ample rest?

9 A They give you times, from time to time and then when your

10 hours lapse you don't have no -- any other choice than shut

11 them off.

12 Q My more specific question is though do you have a general

13 typical time frame that you would work those 11 hours?

14 A Well, the route that I'm --

15 MR. CONN: Object to form of the question. You

16 can answer.

17 A The route that I'm doing now is I usually work at nighttime

18 because where I pick up my loads the loads would come off

19 later, or like, 6:00 o'clock so I would start around -- I'd

20 say around 4:00 o'clock in the afternoon and then I drive to

21 about 3:00 o'clock in the morning.

22 Q Okay; okay. And then you have to shut off and rest no

23 matter where you're at?

24 A Yes, sir.

25 Q Okay. Are you obliged to make any logs of the driving you

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1 do in the course of those eleven hours?

2 A Well, we run electronic logs so it's automatically going to

3 show you how much time are you driving and when do we take

4 out breaks and when do we go off duty and all of that.

5 Q I thought you used the term "lock" I thought that had to do

6 with your engine. You're telling me Dillon maintains within

7 its vehicle fleet electronic logs?

8 A Uh-huh (affirmative).

9 MR. CONN: Is that a "yes"?

10 A Yes, sir; yes, sir.

11 Q All right. And those electronic logs impact on when and

12 whether you can continue driving?

13 A Yes, sir.

14 Q All right. And those electronic logs do they do anything

15 other than say the hours in which you're operating? Do they

16 record any other information?

17 MR. CONN: Foundation. If you know.

18 A No, sir. I don't know, sir.

19 Q Okay. Fair enough; fair enough. Since you have been

20 driving for Dillon over the last decade have you ever gotten

21 any citations or writeups, if you will, for improper loads

22 not keeping improper logs, anything like that?

23 MR. CONN: Just going to object to relevance but

24 go ahead.

25 MR. CONCANNON: Sure.

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1 A No, sir.

2 Q I want to take you to April 26th of 2012; okay? Do you

3 remember the day?

4 A No, sir.

5 Q You don't remember the day?

6 A No, sir.

7 Q Do you know at all what you were carrying in the cab -- or

8 in the trailer that day, what the load was?

9 A I believe it was brake shoes.

10 Q Do you know where you had started that day?

11 A I started the night before.

12 Q All right. I'll strike --

13 A I pick up in Fletcher, North Carolina.

14 Q Okay. So you had picked up in North Carolina and taken the

15 load up to Saginaw?

16 A Yes, sir.

17 Q Okay. When you would have gotten to the plant -- I think

18 the records tell us it was a late morning incident, 10:30,

19 11:00 a.m. would you have had any stops that day or would

20 you have come straight to Saginaw, if you know?

21 A I usually pick up in Fletcher and that time we wasn't

22 running electronic logs so we were running paper logs so

23 what I usually pick up is on Fletcher, and then come up to

24 about -- there is a rest area back there before you get to

25 Saginaw about two hours from there and I used to go to bed

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9 (Pages 30 to 33)

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<p>1 on there, and then wake up because I had -- I think -- I had</p> <p>2 about a 10:00 o'clock appointment time so then drove from</p> <p>3 that place to Saginaw.</p> <p>4 Q Okay. So you would have picked up the load in Fletcher,</p> <p>5 North Carolina on the afternoon of April 25th?</p> <p>6 A Yes.</p> <p>7 Q And your approximate delivery time to Saginaw would have</p> <p>8 been 10:00 on April 26th to the best of your memory?</p> <p>9 A Yes, sir.</p> <p>10 Q And you're telling me that since you started in the</p> <p>11 afternoon and would, otherwise, not be able to drive til</p> <p>12 probably 2:00 or 3:00 in the morning you would get as far as</p> <p>13 you could and then take a nap or you would rest for a period</p> <p>14 of time?</p> <p>15 A Yes, sir.</p> <p>16 Q And your best memory is you would have made it from Fletcher</p> <p>17 to somewhere in southern Michigan before you needed to stop?</p> <p>18 A Yes, sir.</p> <p>19 Q Okay. And then you would stopped whatever required amount</p> <p>20 of time you needed to before you could begin to take off</p> <p>21 again up to Saginaw?</p> <p>22 A Yes, sir.</p> <p>23 Q All right. After the events of April 26th with Mr. Goodman</p> <p>24 happened did you leave Saginaw and go all the way back to</p> <p>25 North Carolina or did you have to pull over again?</p> <p style="text-align: center;">Page 34</p>	<p>1 question. Are you asking him does he remember the date the</p> <p>2 incident occurred or --</p> <p>3 (Off the record interruption)</p> <p>4 Q Miguel, so the record is clear the incident happened on</p> <p>5 April 26th, 2012. Okay.</p> <p>6 A Yes, sir.</p> <p>7 Q You don't remember the particulars of dropping off that</p> <p>8 particular load that day; correct?</p> <p>9 A You mean what day was it, sir?</p> <p>10 Q No. I don't care if it was a Tuesday or a Wednesday. I'm</p> <p>11 asking specifically you don't remember backing that truck</p> <p>12 into that particular loading dock on that particular day?</p> <p>13 A Oh, yeah, I remember, sir.</p> <p>14 Q You don't remember?</p> <p>15 A I remember, yes.</p> <p>16 Q Okay. Do you remember what the weather conditions were that</p> <p>17 day?</p> <p>18 A A little bit cold. It wasn't too bad.</p> <p>19 Q Okay. Now, when you are backing up a trailer you've given</p> <p>20 me the kind of procedure that you use. Where did you learn</p> <p>21 to do it that way? Did someone from Dillon teach you to do</p> <p>22 it that way? Did you take a class? How did you learn how</p> <p>23 to do that?</p> <p>24 A Dillon they showed me how to do it.</p> <p>25 Q Okay. They showed you how to do that in 2005 or '04</p> <p style="text-align: center;">Page 36</p>
<p>1 A No, sir. We had to -- after that incident I had to take</p> <p>2 this trailer to a mechanic to be inspected. And after that</p> <p>3 I had to stay over because there was another trailer --</p> <p>4 another trucks coming in with drop decks and since that</p> <p>5 incident happens to me the boss lady or, you know, the TWA</p> <p>6 (sic) that was running they don't want this trailers anymore</p> <p>7 back there so I had to stay over here in Michigan.</p> <p>8 MR. CONN: When you said TWA, do you mean TRW?</p> <p>9 THE WITNESS: Yeah, the company. I'm sorry.</p> <p>10 MR. CONN: That's okay.</p> <p>11 Q The boss lady. I know what you mean. I want to back up a</p> <p>12 little bit. I know you don't remember the specifics. So on</p> <p>13 the 26th whenever you do get there -- and I'm not alleging,</p> <p>14 Miguel, just to ease your mind I'm not alleging you operated</p> <p>15 outside of the permissible. I'm not alleging that; okay?</p> <p>16 A Uh-huh (affirmative).</p> <p>17 Q So if you rode the 11 hours I don't care. I'm not asking.</p> <p>18 Once you do get there whenever it is, it looks like it was</p> <p>19 around 10:00ish; okay?</p> <p>20 A Uh-huh (affirmative).</p> <p>21 Q You don't really remember that particular day when you</p> <p>22 backed the rig up?</p> <p>23 A You mean the date?</p> <p>24 Q That day.</p> <p>25 MR. CONN: I'm going to object to the form of the</p> <p style="text-align: center;">Page 35</p>	<p>1 whenever it was you hired in?</p> <p>2 A 2004.</p> <p>3 Q Did you ever have any additional training beyond that?</p> <p>4 A No, sir.</p> <p>5 Q Okay. Have you ever gone under the truck as it's being</p> <p>6 raised or -- strike that. Have you ever gone below the</p> <p>7 trailer to have someone show you exactly how it works when</p> <p>8 it's engaged, when the elevation system is engaged?</p> <p>9 A No, sir.</p> <p>10 Q Okay. Do you know is there a particular name that you call</p> <p>11 the -- I think you called them "legs" or something. Is</p> <p>12 there any particular name that they're called that you're</p> <p>13 aware of?</p> <p>14 A Like, say I call legs or arms.</p> <p>15 Q Legs or arms. Okay. Now, is part of your job</p> <p>16 responsibilities at Dillon in 2012 do you have any</p> <p>17 maintenance responsibilities with regard to either your</p> <p>18 tractor-trailer or the -- strike that. Either the tractor</p> <p>19 or the trailer as you're driving it?</p> <p>20 MR. CONN: Form of the question. Go ahead.</p> <p>21 A Am I responsible for that?</p> <p>22 Q I'm asking if you are?</p> <p>23 A No, sir.</p> <p>24 Q The mechanics are responsible for that?</p> <p>25 A Yes, sir.</p> <p style="text-align: center;">Page 37</p>

10 (Pages 34 to 37)

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1 Q So you don't know the working order of the elevation system
2 on April 26th specifically from a mechanical standpoint, do
3 you?
4 A No, sir.
5 Q To the extent that -- do you have any knowledge -- just as
6 the driver of such a trailer from time to time -- do you
7 have any knowledge of how often the fittings on the
8 elevation system are greased?
9 A No, sir.
10 Q Are you made aware, Miguel, of any service history to those
11 low deck trailers at any given point in time?
12 A No, sir.
13 Q Okay. You don't know if they're serviced on a quarterly
14 basis, or on a weekly basis, do you?
15 A All I know they service trucks every time -- the trailers.
16 Q They service the trailers?
17 A Yeah.
18 Q You don't know what that service consists of, correct?
19 A No, sir.
20 Q Okay. On April 26th you would have gotten to that site
21 around 10:00. Tell me what you remember doing when you got
22 there. Describe what you did.
23 A When I get to Saginaw?
24 Q Yes, sir.
25 A When I get to Saginaw, check in with that young lady, the

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1 receiver, and when she point me -- you know, she told me to
2 go to the dock, just get it into the dock and to back up.
3 Q Okay. Do you know that lady's name, by the way?
4 A I think it was Ashley, young lady.
5 Q Okay. Had you met her before? You had seen her there
6 before?
7 A Yes, sir.
8 Q Okay. And she directed you to a given dock number, "Go to
9 that dock"?
10 A Uh-huh (affirmative). Yes, sir.
11 Q Okay. Once you got back into the cab what did you do next?
12 A When I went back to -- I get back to the cab, I look at that
13 dock where I was supposed to go in so I look around and I
14 line up the trailer to the dock. Back into the dock. I
15 left about a foot (indicating) of distance from the dock
16 plate. Then when I get out of the -- I applied the brakes,
17 of course, and then I get out of the truck, go back, look at
18 how far I am from the dock plate. Say, if I'm from about a
19 foot away from there I'm fine. So go back to the truck --
20 to my cab and then I just apply my trailer brake.
21 Q Trailer brake. Okay.
22 A And then I go back and pull the knob up.
23 Q Okay. Does the knob go from side to side or does it go get
24 pulled back? I didn't operate --
25 A They just pull up or pull in. So we pull up to raise the

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1 trailer and we push it in to lower.
2 Q Okay. It looks as though the elevation having seen it now
3 around a minute-ish to be elevated?
4 A Yeah, it takes about a minute and a half or two minutes.
5 Q Okay. And I don't remember the deflation. The deflation
6 goes a little faster maybe or is it about the same time?
7 A Same time.
8 Q Same time. You're aware that it's alleged in this case that
9 the trailer dropped suddenly about a foot and a half, are
10 you aware of that?
11 A About a foot.
12 Q You would call it a foot, but it dropped some distance
13 abruptly; correct?
14 A Yes, sir.
15 Q We'll get to that in a second, but has that ever happened to
16 you before?
17 A No, sir.
18 Q Has it ever happened to you since?
19 A No, sir.
20 Q Okay. So on the 26th of April you would have gotten it to a
21 foot away and then you would have turned on the -- or pulled
22 the knob out to elevate the system, then what would you have
23 done after you pulled the knob out?
24 A When I pulled the knob out?
25 Q Yup.

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1 A I stay there by the knob. You can see from there, the axle
2 is right there. I just stay right there and just stay right
3 there. That's my job to do is stay right there until the
4 trailer goes up. And then when the trailer goes up, like I
5 said, there is a sound on the trailer. First of all, you
6 know, like, the legs goes down. You can hear it click in
7 there. And then when the legs start straightening out they
8 get on top of the axles and then when those legs are on top
9 of the axles there is a air sound that goes "Chhh." And
10 that shows me there is complete. I just look at the legs on
11 there. And then after that I go back to the cab and back to
12 the dock and then, you know, shut off the truck and apply
13 the brakes.
14 Q Okay. You're able to look at -- it sounds like you're doing
15 a couple things there. You're listening to the sounds?
16 A Uh-huh (affirmative).
17 MR. CONN: "Yes"?
18 Q "Yes"?
19 A Yes, sir.
20 Q And you're looking underneath the trailer?
21 A Yes, sir.
22 Q All right. And you're doing that when you're standing at
23 the area where you engaged the knob, wherever that is on the
24 trailer. You can see a few feet away -- under the
25 trailer -- you can see the locking mechanism; is that

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11 (Pages 38 to 41)

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<p>1 correct?</p> <p>2 A Yes, sir.</p> <p>3 Q And so when you're making that inspection, I'll call it,</p> <p>4 you're making that inspection from the location of the knob;</p> <p>5 correct?</p> <p>6 A Yes, sir.</p> <p>7 Q So that's the visual inspection you do; correct?</p> <p>8 A Yes, sir.</p> <p>9 Q And that's the entirety of the visual inspection you do;</p> <p>10 correct?</p> <p>11 A Yes, sir.</p> <p>12 Q And then you also have secondary means of inspection which</p> <p>13 is listening; correct?</p> <p>14 A Yes, sir.</p> <p>15 Q And if I understand it right you're listening for two</p> <p>16 things, at least at the end, one is what you say was -- is a</p> <p>17 click of the legs locking into place? "Yes"?</p> <p>18 A Yes, sir.</p> <p>19 Q And then the last thing will be that last gasp -- I'll call</p> <p>20 it that, you pick what you like, but the last gasp of air</p> <p>21 coming out that tells you you're finally done?</p> <p>22 A Yes, sir.</p> <p>23 Q And do I have it right? Is that all?</p> <p>24 A Yes, sir.</p> <p>25 Q And once you hear all that and once you see that you have</p> <p style="text-align: center;">Page 42</p>	<p>1 against Dillon?</p> <p>2 A No, sir.</p> <p>3 Q Okay. So the extent to which you're testifying today about</p> <p>4 the events of April 26th it's really based upon what you</p> <p>5 remember?</p> <p>6 A Yes, sir.</p> <p>7 Q And to some extent is it fair to say you're basing some of</p> <p>8 your testimony on your normal custom and habit of how you do</p> <p>9 things? Are you basing your testimony about what you did on</p> <p>10 the 26th because you remember it specifically or because</p> <p>11 that's how you always do things?</p> <p>12 A Because I remember, sir.</p> <p>13 Q All right. Did you ever speak to Paul Goodman at the --</p> <p>14 strike that. Around 10:45, Miguel, that seems to be an</p> <p>15 approximate time frame for when the trailer drops; okay?</p> <p>16 First of all, did you hear anything when you were at the</p> <p>17 dock that day when something happened?</p> <p>18 MR. CONN: I'm just going to object to the form of</p> <p>19 the question. At what point in time are you referring?</p> <p>20 A Okay. The testimony from Ms. Osterhof and Mr. Goodman is</p> <p>21 that she says around til 10:45, I think, the trailer dropped</p> <p>22 precipitously and made a sound. Did you hear anything that</p> <p>23 sounded like the trailer dropping?</p> <p>24 A Yes, sir.</p> <p>25 Q Okay. Can you tell me, Miguel, where you were when you</p> <p style="text-align: center;">Page 44</p>
<p>1 seen then you're good to go to back up that last foot and</p> <p>2 then you're done until you drive away?</p> <p>3 A Yes, sir.</p> <p>4 Q All right. So let's get to the incident in this case. Did</p> <p>5 you know Paul Goodman from Adam?</p> <p>6 A No, sir.</p> <p>7 Q Do you know the weight of the load that you were driving in</p> <p>8 terms of tons? Before the first pallet was removed did you</p> <p>9 have 32,000, 50,000, if you know?</p> <p>10 A About 38,000. I'm not sure.</p> <p>11 MR. CONN: Are you guessing?</p> <p>12 THE WITNESS: Yes.</p> <p>13 MR. CONN: Don't guess.</p> <p>14 THE WITNESS: Oh, I'm sorry.</p> <p>15 Q He's right. That doesn't help anybody.</p> <p>16 A I'm sorry. 38,000, yes, sir.</p> <p>17 Q Before your deposition today -- and I don't want to know</p> <p>18 anything you discussed with Mr. Conn or Mr. Yates, that's</p> <p>19 privileged; okay? But did you review any documentation</p> <p>20 before your deposition today?</p> <p>21 A No, sir.</p> <p>22 Q You didn't review any depositions of Paul Goodman or Ashley</p> <p>23 Osterhof (phonetic) in this case?</p> <p>24 A No, sir.</p> <p>25 Q Have you reviewed a copy of the Complaint in this case</p> <p style="text-align: center;">Page 43</p>	<p>1 heard that sound?</p> <p>2 A I was in the cab. I was in the back of my -- in my bunk.</p> <p>3 Q Okay. So when you were at TRW was it the normal custom and</p> <p>4 practice that you would actually be out of your truck when</p> <p>5 that happens? In other words, when they're unloading your</p> <p>6 trailer you're supposed to be in a room somewhere by the</p> <p>7 office; correct?</p> <p>8 A Yes, sir.</p> <p>9 Q Okay. But on this particular date you happened to be back</p> <p>10 in your cab for some reason; is that correct?</p> <p>11 A Yes, sir.</p> <p>12 Q Why?</p> <p>13 A I had to make a phone call.</p> <p>14 Q Okay. Do you have any idea from the time that you parked</p> <p>15 the vehicle and they put the dock plate on how much time</p> <p>16 elapsed between the time that you parked it and they put the</p> <p>17 dock plate on?</p> <p>18 A No, sir.</p> <p>19 Q A minute? Two minutes?</p> <p>20 A No, sir.</p> <p>21 Q Longer than that?</p> <p>22 A I can't remember.</p> <p>23 Q Okay. When you got out of your cab -- strike that. After</p> <p>24 you backed up the cab, the trailer the last time and they</p> <p>25 put the dock plate on did you get out of the cab again?</p> <p style="text-align: center;">Page 45</p>

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<p>1 A When I heard the sound?</p> <p>2 Q No; no. You already told me one- -- once you got the</p> <p>3 trailer elevated then you would have gotten back in to back</p> <p>4 it up the last foot or so; correct?</p> <p>5 A Yes, sir.</p> <p>6 Q Okay. That's where I'm getting. Once you got backed up now</p> <p>7 and they're ready to put the dock plate on and load or</p> <p>8 unload that trailer did you get out at that point or were</p> <p>9 you still in the cab the whole time?</p> <p>10 A I was still in the cab.</p> <p>11 Q Okay. So you never did see Paul Goodman get into the back</p> <p>12 of the trailer with his forklift?</p> <p>13 A No, sir.</p> <p>14 Q Could you feel him coming and going?</p> <p>15 A Yes, sir.</p> <p>16 Q Okay. You could feel some jostling?</p> <p>17 A Bouncing around.</p> <p>18 Q "Bouncing around." Okay. Do you know since -- from the</p> <p>19 time you first felt him being in there -- okay? -- until the</p> <p>20 trailer being dropped do you know was it two minutes, was it</p> <p>21 20 minutes, if you know?</p> <p>22 MR. CONN: Don't guess.</p> <p>23 A No, I don't remember, sir.</p> <p>24 Q Who were you on the phone with?</p> <p>25 A My wife.</p> <p style="text-align: center;">Page 46</p>	<p>1 MR. CONCANNON: That's fine.</p> <p>2 MR. CONN: I mean, you can submit a subpoena. It</p> <p>3 calls for a legal conclusion as to whether or not --</p> <p>4 MR. CONCANNON: That's fine.</p> <p>5 MR. CONN: -- you're entitled to it.</p> <p>6 MR. CONCANNON: That's fine. I just thought I</p> <p>7 would ask. If there was an issue great. If not great.</p> <p>8 Q So you're on the phone with your wife for however long it</p> <p>9 was and once this incident happened, Miguel, would it be</p> <p>10 fair to say that you terminated your call?</p> <p>11 A Yes, sir.</p> <p>12 Q Okay. So if I saw a phone record that showed you placed the</p> <p>13 call at a certain time and it terminated four minutes later</p> <p>14 we could conclude that it happened after Paul got in?</p> <p>15 MR. CONN: Just going to object to the form of the</p> <p>16 question because as you have already --</p> <p>17 MR. CONCANNON: I'll rephrase it. You're right,</p> <p>18 Eric.</p> <p>19 Q Miguel, I just want to get a time frame here and it may or</p> <p>20 may not prove to be very vital. But I don't know. Once you</p> <p>21 were in the cab can you tell me was it five minutes before</p> <p>22 Paul started his deliveries -- strike that. When you got in</p> <p>23 the cab did you get on the phone with your wife basically</p> <p>24 right away, or once you parked it?</p> <p>25 A I don't remember, sir, to tell you the truth.</p> <p style="text-align: center;">Page 48</p>
<p>1 Q Okay. Now, the phone that you called from was that your</p> <p>2 personal cell phone?</p> <p>3 A Yes.</p> <p>4 Q What's that cell phone number?</p> <p>5 A XXX- --</p> <p>6 Q XXX.</p> <p>7 A XXX-X- --</p> <p>8 Q XXX.</p> <p>9 A 6451.</p> <p>10 Q 6451.</p> <p>11 MR. CONN: Do you mind if he just puts the last</p> <p>12 four on the record?</p> <p>13 MR. CONCANNON: I don't mind that.</p> <p>14 MR. CONN: Okay.</p> <p>15 Q Miguel, who is the cell carrier for your cell account as of</p> <p>16 April 26th, 2012?</p> <p>17 A The phone company?</p> <p>18 Q Yes, sir.</p> <p>19 A Verizon.</p> <p>20 Q Okay. If I wanted to subpoena Verizon Wireless to see the</p> <p>21 time that you were on the phone around 12:-- or 10:45 or</p> <p>22 whatever and saw the duration of that phone call would you</p> <p>23 have any objection to me see that phone record?</p> <p>24 MR. CONN: I mean, I'm just going to object to the</p> <p>25 form of the question.</p> <p style="text-align: center;">Page 47</p>	<p>1 Q Okay. That's fine.</p> <p>2 A I don't remember. It's been four years.</p> <p>3 Q Okay. But you remembered what you did in terms of elevating</p> <p>4 the --</p> <p>5 A That's my job. I do that every -- every week, sir.</p> <p>6 Q And in part the reason you remember it is because you do it</p> <p>7 the same way every time; correct?</p> <p>8 A Yes, sir.</p> <p>9 Q So you might not remember doing it exactly that way that day</p> <p>10 but that's the way you normally do it; fair?</p> <p>11 MR. CONN: Objection; form of the question, asked</p> <p>12 and answered.</p> <p>13 Q You can answer. Is that a "yes"?</p> <p>14 MR. CONN: You can answer the question.</p> <p>15 A Yes, sir.</p> <p>16 Q Now, so you're on with your wife, whatever, Paul is on the</p> <p>17 back of the trailer on a hi-lo for however many minutes, or</p> <p>18 crane, or whatever device you choose to say, and there was a</p> <p>19 drop in the trailer whenever it was you terminated your</p> <p>20 phone call; correct?</p> <p>21 A Yes, sir.</p> <p>22 Q All right. When you were in the cab for however long where</p> <p>23 is the trailer brake in relation to your seat behind the</p> <p>24 wheel, trailer brake?</p> <p>25 MR. CONN: With regard to the driver seat or the</p> <p style="text-align: center;">Page 49</p>

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<p>1 cab or the sleeper area where he was?</p> <p>2 MR. CONN: Well, we don't know that yet.</p> <p>3 Q Well, ask it this way: When you were placing the phone call</p> <p>4 where were you?</p> <p>5 A On the back, all the way in the back.</p> <p>6 Q Okay. Where is the trailer brake located in the cab?</p> <p>7 A Here (indicating) is my steering wheel and the brake is</p> <p>8 right here (indicating). It's right on the front where I</p> <p>9 have to sit.</p> <p>10 Q So if you're sitting facing your steering wheel in the</p> <p>11 driver's seat is the brake to your left or to your right?</p> <p>12 A To my right.</p> <p>13 Q Okay. And what kind of a brake is it? Is it a pedal? Is</p> <p>14 it a lever? Is it a button?</p> <p>15 A It's a button.</p> <p>16 Q "It's a button." Okay. Is that a pneumatic brake system?</p> <p>17 A (No verbal response)</p> <p>18 Q Is it a pneumatic brake system?</p> <p>19 MR. CONN: Just --</p> <p>20 A What do you mean?</p> <p>21 Q Is it an air brake?</p> <p>22 A It's an air brake, yes, sir.</p> <p>23 Q Okay. When you got out of the vehicle, out of the cab after</p> <p>24 the trailer dropped did you go back to look inside to see</p> <p>25 what had happened?</p> <p style="text-align: center;">Page 50</p>	<p>1 A No, two pallets.</p> <p>2 Q Two pallets per row?</p> <p>3 A Uh-huh (affirmative).</p> <p>4 Q So he would have gotten two rows essentially out of there?</p> <p>5 A (Nodding head in affirmative)</p> <p>6 Q "Yes"?</p> <p>7 A Yes, sir.</p> <p>8 Q Okay. And that might put him 8, 10 feet inside the back of</p> <p>9 the vehicle to get the next group of pallets?</p> <p>10 A Yes, sir.</p> <p>11 Q Once you saw him in the back of the trailer did you say</p> <p>12 anything to Paul, say anything to him?</p> <p>13 A No, sir.</p> <p>14 Q Okay. Would it be fair the rest of that morning, Miguel,</p> <p>15 that you never talked to Paul Goodman yourself?</p> <p>16 A No, sir.</p> <p>17 Q Correct, you didn't talk to him?</p> <p>18 A Correct.</p> <p>19 Q Okay. Did you talk to -- well, when you saw him did you</p> <p>20 talk to anybody?</p> <p>21 A That accident?</p> <p>22 Q Yes, sir.</p> <p>23 A I went back there as soon as I knew the trailer went down.</p> <p>24 I talked to a gentleman right there, I don't know what's his</p> <p>25 name, and I asked him if he was okay. He didn't tell me he</p> <p style="text-align: center;">Page 52</p>
<p>1 A Yes, sir.</p> <p>2 Q Okay. Did you see my client on the hi-lo at that point?</p> <p>3 A Yes, sir.</p> <p>4 Q Okay. What was he doing?</p> <p>5 A He was just sitting on the lift, the forklift.</p> <p>6 Q Okay. Was the forklift, to your vision, on all four of its'</p> <p>7 wheels or was it tilted on its' side at all?</p> <p>8 A It was off.</p> <p>9 Q It was what?</p> <p>10 A The trailer dropping this way (indicating); right?</p> <p>11 Q I'm sorry. The trailer is what?</p> <p>12 A The trailer is, like, this way (indicating). It was</p> <p>13 dropping off. He was sitting right there (indicating). He</p> <p>14 was sitting on the forklift.</p> <p>15 Q Okay. Do you know how far his trailer or his hi-lo was from</p> <p>16 the back of the trailer in terms of feet?</p> <p>17 MR. CONN: You said from the back?</p> <p>18 MR. CONCANNON: Yes, sir.</p> <p>19 A I don't. He took about four pallets out, that's how far</p> <p>20 with it.</p> <p>21 Q Four rows or four pallets?</p> <p>22 A Four pallets.</p> <p>23 Q So my understanding from testimony thus far in the case is</p> <p>24 there is three pallets per row; is that correct? If we look</p> <p>25 across from left to right.</p> <p style="text-align: center;">Page 51</p>	<p>1 was okay. He didn't tell me he was okay. He said "Seems</p> <p>2 like he was okay." So then after that I went back time cab</p> <p>3 and make a phone call. I called my boss.</p> <p>4 Q Okay. Who is your boss?</p> <p>5 A Used to be Ross. I don't remember his last name.</p> <p>6 Q Is he still at Dillon?</p> <p>7 A No.</p> <p>8 Q Who is your boss now?</p> <p>9 A Stephanie Hill.</p> <p>10 Q Stephanie Hill. Okay. Is Ross still with Dillon?</p> <p>11 A No; no, sir.</p> <p>12 Q Do you know where he is?</p> <p>13 A No, sir. I don't know, sir.</p> <p>14 Q Okay. So once you got out of the cab and went back and</p> <p>15 talked to whoever you talked to from TRW how long were you</p> <p>16 behind the back of the trailer before you went back in the</p> <p>17 cab and called Ross?</p> <p>18 A About three minutes.</p> <p>19 Q Really?</p> <p>20 A Yeah.</p> <p>21 Q And then you called Ross. What did Ross -- what did you</p> <p>22 tell Ross happened?</p> <p>23 A Well, I told him exactly what happened, the trailer drop off</p> <p>24 on me, and he just told me to just stay there and see what</p> <p>25 happened.</p> <p style="text-align: center;">Page 53</p>

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1 Q Okay. Did you do any -- did he instruct you to do any
2 investigation yourself as to try to figure why it happened?
3 A No, sir.
4 Q Okay. At the time that you're there and once you hang up
5 the phone with Ross probably 15 minutes after the incident,
6 maybe 20 minutes after the incident, tops; right?
7 A Yes, sir.
8 Q Okay. Did you have any understanding at that time as to why
9 it happened?
10 A No, sir.
11 Q You mentioned a moment ago that you thought it dropped about
12 a foot or so. What are you basing that on?
13 MR. CONN: You can answer.
14 A I'm basing because how high we -- you know, the trailer goes
15 up.
16 Q Okay. So your understanding is that the amount of elevation
17 that would have been required to get to the required dock
18 height at TRW in Saginaw was about 12 inches?
19 A Yes, sir.
20 Q Therefore that's the amount that it probably would have
21 dropped, am I following your logic?
22 A Yes, sir.
23 Q All right. If it turns out that the actual height was 18 or
24 20 inches then would that be the same -- that would tell you
25 it dropped 18 to 20 inches? Same logic; correct?

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1 MR. CONN: Do you understand his question?
2 A I don't know, sir.
3 Q Well, your testimony appears, at least to me to mean, that
4 however high up you raised it it dropped the full distance
5 back down; correct?
6 A Yes, sir.
7 Q So you think it's 12 inches. I'm simply asking you if it
8 turns out that it's 18 inches when then it simply -- it
9 dropped 18 inches; correct?
10 A Well, I don't know how tall is that, sir?
11 MR. CONN: And that's why he told you at the
12 beginning and I keep telling you don't guess. So if you
13 know it was a 12-inch drop tell him it was a 12-inch drop.
14 If you know it was something more or less than that or
15 you're guessing you have to tell him you're making a guess
16 otherwise he is going to assume, as he has just done, that
17 you believe it was 12 inches.
18 A I don't know, sir.
19 Q Okay. And just so we're clear, however the span was in
20 distance that it took to get the back of the trailer up to
21 the dock plate whatever that number is "X" you would agree
22 with me that it dropped "X" whatever that amount is? "Yes"?
23 A Yes, sir.
24 Q We're on the same page, Miguel. Okay. So once it had
25 dropped and you talked to Ross he said, "Stick around"?

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1 A Yes, sir.
2 Q Okay. It looks as though somebody from TRW would have
3 talked to you in preparation of an incident report. It
4 looks to us it was a gentlemen named Craig Kitchen, perhaps.
5 It was a male that spoke to you?
6 A No, sir.
7 Q Was it a female that spoke to you?
8 A Only female told me there -- there was a lady and she come
9 up and ask him who I was, and she told me -- and I told her
10 who I was, that I'm the driver and she just told me that
11 after we get the trailer, the forklifters out just don't
12 bring no more trailers like that over here.
13 Q Okay. That's the boss lady?
14 A That was the end of it.
15 Q Okay. That was not Ashley. It was some other lady?
16 A No, sir, that was some other lady.
17 Q So the scene at Dillon before you leave -- well, you had
18 talked to Ashley when you got there. After the incident
19 happens with my client you talked to this boss lady, and
20 those are the only two people at TRW you remember speaking
21 with; is that correct?
22 MR. CONN: Just a mischaracterization. He talked
23 to another gentleman whether or not he was okay.
24 MR. CONCANNON: Oh, okay. I apologize.
25 Q You talked to somebody and asked if he was okay and he said

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1 "Yeah, it looks like he is okay." So than three people from
2 TRW; yes?
3 A Yes, sir.
4 Q Anyone else?
5 A That's it.
6 Q And so from the time that your trailer drops until you pull
7 that trailer away from -- let me back up. Once they get
8 Paul Goodman out of the trailer did someone empty the
9 remainder of that trailer?
10 A No, sir.
11 Q It wasn't emptied anymore?
12 A No, sir.
13 Q Okay. So whenever they got him out however many minutes go
14 by did they just tell you to go?
15 A Yes, sir.
16 Q And you go?
17 A I pull out.
18 Q Okay. Where did you take the trailer at that point?
19 A First of all, they call a mechanic.
20 Q "They," who is they?
21 A Us.
22 MR. CONN: Just make sure you're answering the
23 question that he is -- what he has asked you, so go ahead.
24 A I don't remember, sir.
25 Q Somebody from Dillon called a mechanic?

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1 **A I don't know, sir.**
 2 Q You didn't call a mechanic?
 3 **A No, sir.**
 4 Q Do you have any reason to believe anybody from TRW called a
 5 mechanic?
 6 **A No, sir.**
 7 Q Can you think of a reason why anybody other than somebody at
 8 Dillon would call a mechanic?
 9 MR. CONN: Foundation, calls for speculation. You
 10 can answer if you know.
 11 Q Am I to understand there was a phone call to a mechanic to
 12 look at this Dillon trailer and you're telling me you don't
 13 think it was from somebody at Dillon who called?
 14 **A Yes, sir.**
 15 Q It was somebody at Dillon that called?
 16 **A Yes, sir; yes, sir.**
 17 Q You just don't know who that somebody is?
 18 **A (Nodding head in affirmative)**
 19 Q Is that a "yes"?
 20 **A Yes, sir.**
 21 Q Okay. Somebody from Dillon calls to have this looked at.
 22 Where did you take it? Where did you take the trailer? Was
 23 it somewhere in Saginaw?
 24 **A Yeah, they were somewhere back there. I don't remember,**
 25 **sir, the name of the place.**

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1 Q Okay. But was it Saginaw or local, Bay City, Saginaw,
 2 Midland?
 3 MR. CONN: If you know.
 4 **A I don't remember, sir. I know it was somewhere and it was**
 5 **about 20 miles from there or maybe a little bit more than**
 6 **that but that's about it.**
 7 Q Okay. So you would have taken the trailer somewhere nearby.
 8 Do you know was it a particular truck repair place? Was it
 9 a truck stop with a repair facility added?
 10 **A It was, like, a trailer repair place.**
 11 Q Trailer repair. Okay. Do you know was it off I-75?
 12 **A I don't remember, sir.**
 13 Q Was it north of Saginaw or south of Saginaw if you know?
 14 **A No, sir. I don't remember that.**
 15 Q Okay. When you took it to the repair site wherever it was
 16 did you drop the trailer and then leave?
 17 **A No, sir.**
 18 Q Did you stay while the trailer was inspected?
 19 **A Yes, sir.**
 20 Q Okay. Was the trailer inspected in your presence or just
 21 while you were waiting in a lobby somewhere?
 22 **A I was in the -- that was in my presence, yes, sir.**
 23 Q So you were there when they inspected it?
 24 **A Yes, sir.**
 25 Q Was it one inspector or more than one inspector?

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1 **A One inspector.**
 2 Q Was it a male or a female inspector?
 3 **A Male.**
 4 Q Did the male inspector give you a card?
 5 **A No, sir.**
 6 Q Did the male inspector eventually send a bill to Dillon, if
 7 you know?
 8 **A I don't know, sir.**
 9 Q Did he hand you an invoice to take with you when you left?
 10 **A No, sir.**
 11 Q So the person that you don't remember inspected the vehicle
 12 in your presence and didn't give you a single piece of paper
 13 to take with you; is that correct?
 14 **A Correct, sir.**
 15 Q All right. And you don't have any knowledge of whether that
 16 person sent some paperwork to Dillon?
 17 **A I don't have no knowledge. They probably sent it.**
 18 Q Since you had a manual log at that point would you have made
 19 a log entry of that?
 20 **A I don't remember, sir.**
 21 Q Well, this never happened to you in the ten years -- strike
 22 that. In the seven or so years at the time that you have
 23 been driving for Dillon would you have expected that you had
 24 been obliged to log that incident some place?
 25 **A Never happened.**

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1 Q Okay. I know it never happened before but would you expect
 2 that you would have logged it in on the day that it happened
 3 in this case?
 4 MR. CONN: I just want to clarify what you're
 5 referring to as if the incident involving the trailer
 6 falling or the inspection of it thereafter?
 7 MR. CONCANNON: I mean, the incident of the
 8 trailer falling.
 9 MR. CONN: Okay.
 10 Q Okay. I'll be clear so the record is clear. You never had
 11 a trailer fall like this before?
 12 **A No, sir.**
 13 Q Did you --
 14 MR. CONN: Is that correct?
 15 THE WITNESS: Correct.
 16 Q Did you log the incident with Mr. Goodman and the trailer
 17 falling in your log book? "Yes" or "no"?
 18 **A No, sir.**
 19 Q Why?
 20 **A When I was at the plant I was off duty.**
 21 Q Wait. When you were at TRW you were technically off duty?
 22 **A Yes, sir.**
 23 Q Okay. Were you out- --
 24 MR. CONN: I just need a -- I need to go to the
 25 bathroom so whenever you have a break.

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<p>1 MR. CONCANNON: I can take a break now.</p> <p>2 MR. CONN: You sure?</p> <p>3 MR. CONCANNON: That's fine.</p> <p>4 MR. CONN: I don't want to --</p> <p>5 MR. CONCANNON: That's fine.</p> <p>6 (Off the record)</p> <p>7 MR. CONCANNON: We just took a break. I want to</p> <p>8 follow up on something we were leading with.</p> <p>9 Q You had taken it to some facility and near within 20 minutes</p> <p>10 or so of Saginaw to have the vehicle looked at. Have you</p> <p>11 seen any documentation since April 26th from someone other</p> <p>12 than your attorneys about that evaluation of the trailer?</p> <p>13 A No, sir.</p> <p>14 MR. CONN: Just want to clarify. You said 20</p> <p>15 minutes. I think he said 20 miles.</p> <p>16 MR. CONCANNON: My mistake.</p> <p>17 MR. CONN: It's neither here nor there.</p> <p>18 MR. CONCANNON: You're right. 20 miles.</p> <p>19 Q Did the person who inspected the trailer on April 26th tell</p> <p>20 you anything that you can remember?</p> <p>21 A I can't remember, sir.</p> <p>22 Q Okay. Do you know how long you were there with the trailer</p> <p>23 at his place?</p> <p>24 A No, sir. I can't remember.</p> <p>25 Q You don't know whether this person made a repair or didn't</p> <p style="text-align: center;">Page 62</p>	<p>1 Q About 30 minutes. And I keep saying '04 or '05, you don't</p> <p>2 have any specific date that you got there. You think it's</p> <p>3 ten years ago around from now so that puts us in '05, but it</p> <p>4 could be '04?</p> <p>5 A Correct.</p> <p>6 Q Okay. When did the mechanic who trained you leave the</p> <p>7 company if you know?</p> <p>8 A I don't remember, sir.</p> <p>9 Q Did the training -- I'm sorry -- the trainer give you any</p> <p>10 documentation on the drop deck trailer and how to operate</p> <p>11 it?</p> <p>12 A No, sir.</p> <p>13 Q Were you given any test, Miguel, on how to operate one of</p> <p>14 these drop deck trailers?</p> <p>15 A No, sir.</p> <p>16 Q Since that 30 minutes of training ten years ago have you had</p> <p>17 any other training by Dillon on how to operate the drop deck</p> <p>18 trailer?</p> <p>19 A No, sir.</p> <p>20 Q Have you had any training by anybody other than Dillon on</p> <p>21 how to operate a drop deck trailer?</p> <p>22 A No, sir.</p> <p>23 Q And to my understanding, you have never been underneath the</p> <p>24 drop deck trailer to see how it works operationally;</p> <p>25 correct?</p> <p style="text-align: center;">Page 64</p>
<p>1 make a repair, do you?</p> <p>2 MR. CONN: You can answer.</p> <p>3 A He didn't do nothing.</p> <p>4 Q Okay. So he inspected it and as far as you remember he made</p> <p>5 no repair?</p> <p>6 A Nope; no, sir.</p> <p>7 MR. CONN: Is that correct?</p> <p>8 THE WITNESS: Correct.</p> <p>9 Q I want to ask you a little bit about the trailer itself. I</p> <p>10 understand the drop deck -- when you first drove for Dillon</p> <p>11 in '04 or '05 they had drop deck trailers back then and they</p> <p>12 still have them today; correct?</p> <p>13 A Correct.</p> <p>14 Q And the training you got who would have given you the</p> <p>15 training from Dillon on the drop deck?</p> <p>16 A It was a mechanic. He is not there no more.</p> <p>17 Q What was his name?</p> <p>18 A I can't remember, sir.</p> <p>19 Q Okay. So the mechanic who you don't remember did he take</p> <p>20 ten minutes to show you how?</p> <p>21 MR. CONN: Objection; form.</p> <p>22 Q Do you remember how long he trained you? It was a few</p> <p>23 minutes how to use the button?</p> <p>24 MR. CONN: Form.</p> <p>25 A About a half an hour.</p> <p style="text-align: center;">Page 63</p>	<p>1 A No, sir.</p> <p>2 Q "Yes" I'm correct?</p> <p>3 A Correct.</p> <p>4 Q Okay. In terms of inspecting the -- when you go out on a</p> <p>5 Sunday night with a truck, with a tractor and a trailer do</p> <p>6 you have to do any inspection of either the trailer or the</p> <p>7 cab before you take to the road?</p> <p>8 A Yes, sir.</p> <p>9 Q Okay. What kind of inspection do you have to do?</p> <p>10 A Lights, marking lights.</p> <p>11 Q What lights?</p> <p>12 A The marking lights that we have, you know, if it's missing</p> <p>13 or not.</p> <p>14 Q Okay.</p> <p>15 A We lift the trailer up to make sure it's working.</p> <p>16 Q You engage the elevation system?</p> <p>17 A Yes, sir.</p> <p>18 Q Okay.</p> <p>19 A Then go down then after that then we --</p> <p>20 Q Then you're good to go?</p> <p>21 A -- we're all right.</p> <p>22 Q Does that inspection make its way -- in 2012 when you were</p> <p>23 manually having a log book did that inspection make its way</p> <p>24 into your log book?</p> <p>25 A Yes, sir.</p> <p style="text-align: center;">Page 65</p>

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<p>1 Q Okay. When you arrive at a destination for a delivery in 2 2012 with a manual log would you log in when you arrive at 3 the destination? 4 A Yes, sir. 5 Q What else would you log in -- like, when you got to TRW on 6 April 26th what are the things that you would have logged 7 into your book? 8 MR. CONN: Are you asking him what things 9 typically would be in his log book or are you asking him on 10 that specific day what would have been -- or what was in his 11 log book? 12 MR. CONCANNON: I'm asking what was in his log 13 book on the 26th. 14 MR. CONN: Okay. 15 Q If you remember. 16 A I don't remember that. 17 Q Okay. Typically on the normal day, not April 26th but on 18 the normal day are there certain things that you will 19 typically log in your log book? 20 A Off duty time, break time and go to sleep. 21 Q So if you have -- and if I understand your testimony, the 11 22 hours that you can operate is within a 24 hour period of 23 time; is that correct? 24 A Correct. 25 Q So if you were to get stopped on the road your log book</p> <p style="text-align: center;">Page 66</p>	<p>1 MR. CONCANNON: Back on. 2 Q Miguel, I understand there are full time and part time but 3 is there one mechanic who you know who has been there the 4 whole time that you have been there? 5 A No, sir. 6 Q Can you name any mechanic at Dillon by name? 7 A Gene, Kevin. 8 Q Anyone else other than Gene and Kevin? 9 A There is more but I don't remember their name. 10 Q That's fine. Do you know the components, Miguel, of what 11 makes up the elevation system in the trailer? 12 A What does that mean? 13 Q What are the parts that make it work, if you know? 14 MR. CONN: Foundation. You can answer if you 15 know. 16 A No, sir. 17 Q Okay. Would I be correct that whenever you -- the North 18 Carolina part pickup started your day on April 25th, 2012; 19 correct? 20 A Correct. 21 Q You would have tested the elevation system before you took 22 to the road that day; correct? 23 A Correct. 24 Q Is it your testimony that on the 26th before you continued 25 on with the delivery to Saginaw would you have checked the</p> <p style="text-align: center;">Page 68</p>
<p>1 could tell the person stopping that says "I operated here 2 but I took the map here (indicating) or I took a break here, 3 or I took a break here." Is that part of what the purpose 4 of the log book is? 5 A Correct. 6 Q For your log book, Miguel, was there any other purpose that 7 you used the log book for? 8 A No, sir. 9 Q Would I be correct that any repairs on this trailer -- and 10 by "this trailer" I mean the one we saw yesterday -- 11 okay? -- that's got its' own license number, I take it you 12 would not be aware of the repair history of that trailer; 13 correct? 14 A Correct, sir. 15 Q Who would I ask at Dillon today for those repair records, if 16 there are any? 17 A Dillon mechanics. 18 Q Any Dillon mechanic will do or is there, like, a head 19 mechanic that was there in 2012 that's still there? 20 MR. CONN: I'm going to turn it off, but answer 21 the question and then I'll go off the record. 22 A We have mechanics that works all day and, I believe, they 23 have mechanic there on call in case if we need him. 24 MR. CONCANNON: Okay. Off the record. 25 (Off the record interruption)</p> <p style="text-align: center;">Page 67</p>	<p>1 elevation system that day before you took to the road? 2 A Before? Yes, sir. 3 Q And you would have checked it in you way that you have told 4 us where you look and you listen; correct? 5 A Yes, sir. 6 Q And that's the way you were taught to do it by the person 7 whoever it was that trained you at Dillon; correct? 8 A Yes, sir. Correct. 9 Q And you have been doing it that way the last ten years? 10 A Correct, sir. 11 Q When the trailer dropped what sensation did you feel in the 12 back of the cab? 13 A Just was bump (indicating). 14 Q Did the cab really drop very far or did the cab not drop at 15 all? 16 A Not at all. 17 Q And, Miguel, do you need to clarify your testimony about 18 what you were doing in the cab? 19 A Yes, sir. 20 Q What would you like to clarify? 21 A That I was in the cab just laid back and relaxed. 22 Q So you may have been laying down or watching TV or something 23 like that? 24 A Well, there was a show -- I don't know if it's funny but 25 there is a show. I don't even want to mention the name of</p> <p style="text-align: center;">Page 69</p>

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<p>1 the show and I just watching. I just came down there and I</p> <p>2 was laying back and watching Jerry Springer.</p> <p>3 Q I figure there is a lot of TV like that at 10:30. That's</p> <p>4 okay. You probably saw a lot of Sam Bernstein commercials</p> <p>5 too.</p> <p>6 A Yes.</p> <p>7 Q Counsel will know what I mean. Ashley testified hearing a</p> <p>8 sound that she heard when this dropped, like a whoosh of</p> <p>9 air. Do you recall hearing any sound when this drop</p> <p>10 happened?</p> <p>11 A No, sir.</p> <p>12 Q That's fine. If I asked you this, I apologize, but you</p> <p>13 talked to Ross at Dillon when you were still onsite at the</p> <p>14 TRW warehouse; correct?</p> <p>15 A Yes, sir.</p> <p>16 Q Once you went to the repair shop did you make any other</p> <p>17 communication with anyone at Dillon about the trailer and</p> <p>18 whatever evaluation of the trailer that took place with</p> <p>19 somebody other than Ross?</p> <p>20 A No, sir.</p> <p>21 Q So the extent to which there is a person at Dillon that</p> <p>22 could tell me what you had said other than you at the time</p> <p>23 of the incident and a little while later it would be Ross?</p> <p>24 A Yes, sir.</p> <p>25 Q And does Ross work in Tennessee?</p> <p style="text-align: center;">Page 70</p>	<p>1 A I don't know, sir.</p> <p>2 Q All right. That's fine. Did anyone at Dillon, not your</p> <p>3 lawyers but did anyone at Dillon say anything to you when</p> <p>4 you got back about what they thought happened?</p> <p>5 A No, sir.</p> <p>6 Q Did anyone ask you, say "Hey, Miguel, how did this happen?"</p> <p>7 A Talked to my boss, Ross, and explain to him what happened.</p> <p>8 Q Did Ross do any investigation on his own?</p> <p>9 MR. CONN: Objection. If you know.</p> <p>10 A I don't know, sir.</p> <p>11 Q Did you know if any mechanic back at Dillon be it people you</p> <p>12 named or not, Gene or Kevin, do you know if anybody at</p> <p>13 Dillon look at the trailer once you brought it back?</p> <p>14 MR. CONN: Foundation. Go ahead.</p> <p>15 A I don't know, sir.</p> <p>16 Q Once you left the mechanic on the probably early afternoon</p> <p>17 of the 26th after you had been to Dillon -- or after you had</p> <p>18 been to TRW and left did you go straight home, at least as</p> <p>19 far as you could get home before you had to pull over and</p> <p>20 rest?</p> <p>21 A Don't remember. I don't remember, sir.</p> <p>22 Q Okay. Do you remember were you able to pick up another load</p> <p>23 before you went back home?</p> <p>24 A I remember I had to pick up -- no. Don't remember, sir.</p> <p>25 Q But as far as you were aware it was capable of carrying</p> <p style="text-align: center;">Page 72</p>
<p>1 A I don't know where he is at but he is not with us anymore.</p> <p>2 Q Oh, that's right. He is not with the company?</p> <p>3 A No; unh-unh.</p> <p>4 Q You are not a mechanic; correct?</p> <p>5 A No, sir.</p> <p>6 Q And I don't want to know anything that you know from Mr.</p> <p>7 Conn or Mr. Yates but do you have any understanding or</p> <p>8 opinion as to what happened, why it fell or dropped on the</p> <p>9 26th?</p> <p>10 A No, sir.</p> <p>11 Q Would it be fair that if we went to a trial, Miguel, you</p> <p>12 would not be in a position to say that my client, Mr.</p> <p>13 Goodman, did anything wrong that caused this, would you?</p> <p>14 MR. CONN: Foundation.</p> <p>15 Q You can't really cast any blame against Mr. Goodman, can</p> <p>16 you?</p> <p>17 MR. CONN: Same objection. You can answer.</p> <p>18 A (No verbal response)</p> <p>19 MR. CONN: Also calls for a legal conclusion.</p> <p>20 MR. CONCANNON: That's fine.</p> <p>21 Q You can answer.</p> <p>22 A The only thing I can say is, you know, the bouncing because</p> <p>23 it was, like, fast, and that's the only thing.</p> <p>24 Q So you're saying depending on how fast he was operating the</p> <p>25 hi-lo he could have contributed to it?</p> <p style="text-align: center;">Page 71</p>	<p>1 another load if you were able to pick one up on the 26th as</p> <p>2 you were heading back home?</p> <p>3 A (Nodding head in affirmative)</p> <p>4 Q "Yes"?</p> <p>5 A Yes.</p> <p>6 Q Okay. And whether or not you actually picked up a load on</p> <p>7 the way back home you don't know?</p> <p>8 A I don't remember.</p> <p>9 Q How would I find out? Would it be in your log or would</p> <p>10 Dillon otherwise have records of that?</p> <p>11 A They would probably got records of that.</p> <p>12 Q Would your log also probably say "I stopped at X Y Z</p> <p>13 Warehouse in Livonia, Michigan and picked up a load"? Would</p> <p>14 your own log tell me that?</p> <p>15 A Yes, sir.</p> <p>16 Q Who keeps your log -- strike that. I'll be more clear. You</p> <p>17 keep the log while you're making it; correct?</p> <p>18 A (Sigh)</p> <p>19 Q Are you obliged -- is that a "yes"?</p> <p>20 A Yes. Oh, yes. I'm sorry.</p> <p>21 Q Once you maintain -- strike that. Once you keep that log on</p> <p>22 the day or the week in question do you turn that log in to</p> <p>23 anybody?</p> <p>24 A Yes, sir.</p> <p>25 Q Who do you turn it into at Dillon?</p> <p style="text-align: center;">Page 73</p>

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<p>1 A Dillon Transportation.</p> <p>2 Q Any one person?</p> <p>3 A No, sir.</p> <p>4 Q So if I ask Stephanie Hill would you expect that she can</p> <p>5 tell me where your log for April 26th and April 27th would</p> <p>6 be?</p> <p>7 A I don't know, sir.</p> <p>8 Q Okay. Other than your attorney have you given any written</p> <p>9 statement about the incident of April 26th to anybody?</p> <p>10 A You mean writing?</p> <p>11 Q Yes, sir.</p> <p>12 A We did once at Dillon Transportation.</p> <p>13 Q So Dillon had an incident report for this?</p> <p>14 A It's not a report but, you know, I talked to a lady named</p> <p>15 Pam. She type it up a little thing explaining what</p> <p>16 happened.</p> <p>17 Q Okay. Pam works at Dillon?</p> <p>18 A Yes, sir.</p> <p>19 Q Do you know Pam's last name?</p> <p>20 A No, sir.</p> <p>21 Q Does she work in Tennessee at Dillon?</p> <p>22 A Yes, sir.</p> <p>23 Q And did you give a statement to her by phone or did you go</p> <p>24 to Tennessee to give her a statement?</p> <p>25 A I went to the yard she works at.</p> <p style="text-align: center;">Page 74</p>	<p>1 A Yes, sir.</p> <p>2 Q And then did it lower satisfactorily?</p> <p>3 A Yes, sir.</p> <p>4 Q Okay. Do you know how long you had the elevation system up</p> <p>5 in terms of minutes?</p> <p>6 A No, sir.</p> <p>7 Q Did the person get under the back of the trailer or did they</p> <p>8 just look at it from the side kinda as you have done?</p> <p>9 A Well, he look at it and since the trailer was going up and</p> <p>10 down we did about four or five times so, I guess, --</p> <p>11 Q He didn't get under the trailer?</p> <p>12 A No, sir.</p> <p>13 MR. CONCANNON: Miguel, thanks very much for your</p> <p>14 time. It's been a pleasure meeting you. I have no further</p> <p>15 questions for the record.</p> <p>16 EXAMINATION</p> <p>17 BY MR. CONN:</p> <p>18 Q You were asked a couple of questions again training and I</p> <p>19 just want to followup on that briefly. You said you had 30</p> <p>20 minutes of training by a mechanic at Dillon; is that</p> <p>21 correct?</p> <p>22 A Yes, sir.</p> <p>23 Q And then you had no other formal training that was provided</p> <p>24 to you by a mechanic after that point; is that correct?</p> <p>25 A No, sir. Yes, sir.</p> <p style="text-align: center;">Page 76</p>
<p>1 Q And you gave her a statement and she typed it up?</p> <p>2 A Yes, sir.</p> <p>3 Q Did you sign it?</p> <p>4 A I don't remember, sir.</p> <p>5 Q Okay. Were you disciplined in any way by Dillon</p> <p>6 Transportation for this incident?</p> <p>7 A What do you mean?</p> <p>8 Q Did they suspend you? Did they --</p> <p>9 A No, sir.</p> <p>10 Q Did they reprimand you in any way?</p> <p>11 A No, sir.</p> <p>12 Q As far as Dillon is concerned you did nothing wrong that</p> <p>13 day, to your knowledge?</p> <p>14 MR. CONN: Foundation.</p> <p>15 A I don't know, sir.</p> <p>16 MR. CONCANNON: Okay. Off the record.</p> <p>17 (Off the record)</p> <p>18 Q When the trailer was inspected by the mechanic in Michigan</p> <p>19 near Saginaw, within 20 miles or so, wherever you were did</p> <p>20 that mechanic operate the elevation system in your presence</p> <p>21 or did you do it?</p> <p>22 A We both did.</p> <p>23 Q You both did?</p> <p>24 A Yes, sir.</p> <p>25 Q And did it raise?</p> <p style="text-align: center;">Page 75</p>	<p>1 Q Okay. But from the time that you received that training up</p> <p>2 to 2012 you had operated these types of trailers correctly;</p> <p>3 is that true?</p> <p>4 A Yes, sir.</p> <p>5 Q And you had no other prior problems with a trailer losing</p> <p>6 elevation suddenly; is that correct?</p> <p>7 A Yes, sir.</p> <p>8 Q Based upon your prior experience operating these trailers,</p> <p>9 on the day this incident occurred did it appear to you that</p> <p>10 the trailer had functioned properly?</p> <p>11 MR. CONCANNON: Foundation.</p> <p>12 A Yes, sir.</p> <p>13 Q When you performed your visual inspection did you see the</p> <p>14 arms or the legs, as you called them on the axle?</p> <p>15 A Yes, sir.</p> <p>16 MR. CONCANNON: For clarity, at what time? During</p> <p>17 the inspection before he drove or in Saginaw?</p> <p>18 MR. CONN: I'm talking about at TRW when he</p> <p>19 arrived.</p> <p>20 MR. CONCANNON: All right.</p> <p>21 A Yes, sir.</p> <p>22 MR. CONN: I have nothing further.</p> <p>23 EXAMINATION</p> <p>24 BY MR. CONCANNON:</p> <p>25 Q And you inspected that from the position that you normally</p> <p style="text-align: center;">Page 77</p>

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1 inspect it from as you told me; correct?
2 **A Yes, sir.**
3 Q And am I correct that the training you got from this
4 mechanic for 30 minutes was the only training Dillon gave
5 you; correct?
6 MR. CONN: I object. It's a mischaracterization.
7 He also had on-the-job training. To the extent that you can
8 answer go ahead.
9 **A Yes, sir.**
10 Q All right. So in other words other than a mechanic there is
11 not some other person at Dillon who gave you training in
12 addition to the mechanic; right?
13 MR. CONN: You can answer.
14 **A No, sir.**
15 Q "Yes" I am correct, noone else can?
16 **A You're correct.**
17 Q Just the mechanic; correct?
18 **A Just the mechanic.**
19 MR. CONCANNON: Nothing further. Thanks, Miguel.
20 MR. CONN: All right.
21 (Deposition concluded at 12:55 p.m.)
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